

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re)	Case No. 05-4988
)	
Robert J. Swiderski)	Chapter 7
Mary Zickus)	
Debtors)	Hon. Jacqueline P. Cox
		Hearing Date: 6-29-06
		At 9:30 a.m.

NOTICE OF HEARING

Mandell Menkes LLC, as counsel for Horace Fox, Jr. in his capacity as trustee, has filed papers with the court for an order allowing and directing payment of fees and costs that it incurred in representing the Trustee in the above-entitled case. A copy is attached to this Notice.

If you do not want the court to enter relief in accordance with the application, or if you do want the court to consider your views on the application, then you or your attorney must attend the **hearing** scheduled to be held on **June 29, 2006, at 9:30 a.m.** in **Courtroom 619** of the United States Bankruptcy Court, 219 South Dearborn Street, Chicago, Illinois 60604.

Date: 06/08/06

Signature: /s/ Bruce de'Medici

Mandell Menkes LLC
333 West Wacker Drive
Suite 300
Chicago, Illinois 60606
312.251.1000

CERTIFICATE OF SERVICE

I, Bruce de'Medici, an attorney who is licensed to practice law in the State of Illinois, certify that on the 8th day of June, 2006, I caused a copy of the foregoing NOTICE OF HEARING to be served upon the parties listed on the attached Service List II, the Office of the United States Trustee, and Amy Zickus and Mary Ann Zickus, by enclosing copies in envelopes that were addressed to those parties and which bore First Class postage and delivering them to the United States Postmaster; and on the Registrants listed below by the Court's Electronic Notice for Registrants; and a copy of the FINAL APPLICATION OF COUNSEL FOR TRUSTEE FOR COMPENSATION AND REIMBURSEMENT OF EXPENSE upon the Office of the United States Trustee and Amy Zickus and Mary Ann Zickus by enclosing copies in envelopes that were addressed to those parties and which bore First Class postage and delivering them to the United States Postmaster; and on the Registrants listed below by the Court's Electronic Notice for Registrants.

/s/ Bruce de'Medici

Horace Fox, Jr.
E mail: Foxhorace@aol.com

Michael B Dedio
Email: dediolaw@sbcglobal.net

Gretchen Silver
Office of the U.S. Trustee, Region 11
227 W. Monroe St.
Suite 3350
Chicago, IL 60606
E mail: gretchen.silver@usdoj.gov

Amy Zickus/Mary Ann Zickus
c/o Thomas M Britt PC
3825 W 171st Street
Tinley Park, IL 60477

In Re Robert J. Swiderski and Mary Zickus
Case No. 05-4988

Service List II

American Express Centurion Bank c/o Becket and Lee, LLP P.O. Box 3001 Malvern, PA 19355-0701	George J. Dangles, MD 4340 West 95th Street Oak Lawn, IL 60453
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**FINAL APPLICATION OF COUNSEL FOR TRUSTEE FOR
COMPENSATION AND REIMBURSEMENT OF EXPENSES**

Bruce de'Medici and Mandell Menkes LLC (collectively, the "Applicant"), as counsel for the trustee of the estate of Robert J. Swiderski and Mary Zickus, respectfully submit this final application for the allowance and payment of compensation and reimbursement of expenses pursuant to section 330(a) of the Bankruptcy Code (the "Code"), and states in support as follows:

**I
STATEMENT IN SUPPORT OF
APPLICATION COMPENSATION AND REIMBURSEMENT OF EXPENSES
NARRATIVE SUMMARY**

A. BACKGROUND

Robert J. Swiderski and Mary Zickus, debtors herein (the "Debtors"), commenced this case on February 15, 2005, by filing a voluntary petition for relief under chapter 7 of the Bankruptcy Code (the "Code"). The United States trustee appointed Horace Fox, Jr. to serve as the trustee (the "Trustee"). On August 2, 2005, the Trustee obtained authority from this Court to employ the Applicant as his counsel.

The estate employed the Applicant at the respective hourly rates and pursuant to 11 U.S.C. §330. The application before the Court does not include any time for which the Court previously entered an award or for which the estate previously remitted payment. The

Applicant did not seek and the estate did not provide or pay any retainer. The Trustee did not 'promise' any payments to the Applicant outside of advising the Applicant that it would have the right to seek compensation and reimbursement of costs pursuant to 11 U.S.C. §330. The Applicant's request is not subject to any caps or limitations on fees or other charges. The Applicant rendered services to the Trustee and is seeking compensation pursuant to 11 U.S.C. §§330 and 503(b).

The Applicant's requests include compensation for the following professionals:

Professional/Paraprofessional	Hourly Rate
Bruce de'Medici-Prof.	\$350.00/\$400.00
Josh Waller	\$250.00

The Applicant charges non-bankruptcy clients the same rate for similar services.

This is a final Application. To date, the estate has not remitted payment for any fees or costs to the Applicant.

The Application covers services rendered thorough the date that the Applicant filed the Application.

B. CASE STATUS

1. Financial Status

- a) Cash on deposit: approx \$160,000.00
- c) Unencumbered funds in the estate: all funds on deposit are unencumbered
- d) Operating profit/loss: N/A
- e) Projected closing date:

The Applicant anticipates that the Trustee will file his Final Report 8/06.

- 2. Distribution to Creditors: Through the efforts of the Trustee and the Applicant, the Trustee will remit payment on unsecured claims.

C. PROJECT SUMMARY

In representing the Trustee in this case, the Applicant performed legal services on various matters. For ease of reference in this application and in compliance with the applicable standards for the preparation of fee applications, the Applicant organized its services into 3 categories. Each contains a narrative of the matters that are involved and the benefit and results for the estate. Additionally, the Applicant included herein detailed time records, which are set forth in chronological order for each category of service. The following is a summary of the categories of services:

- A. Employment of Professionals
- B. Liquidation of Assets
- C. Preparation of Fee Application

This Court has not previously awarded compensation to the Trustee pursuant to section 326 of the Code or to the Applicant pursuant to section 330(a) of the Code.

A. EMPLOYMENT OF PROFESSIONALS

The Applicant expended 3.1 hours in performing services under this category, at a value of \$875.00. A copy of the entries for these services is included within Exhibit "A".

The Debtors did not list in their Schedule A the interest that Mary Zickus held in the realty commonly known as 6035 South Narragansett Avenue, Chicago, Illinois, and did not bring this to the Trustee's attention at the meeting of creditors. Subsequently, the Debtors entered into a contract with a third party to sell her interest in the realty. The Debtor's counsel brought this to the Trustee's attention. In order to represent him in relation to securing authority to consummate the sale provided for in the proposed contract and in other issues that could arise, the Trustee retained the Applicant.

The Applicant prepared the application for the Trustee to able to employ it as general counsel and to employ the Debtors' counsel to represent the estate in closing on the sale of the residence, and followed-up with special counsel on his need to execute an affidavit pursuant to

Federal Rule of Bankruptcy Procedure 2014. The Trustee closed on the sale and by doing so generated the only funds in the estate. In performing the services under this category, the Applicant provided services that were necessary for the Trustee to be able to employ appropriate professional services to be able to liquidate the assets of the estate. In providing these services the Applicant provided a benefit to the estate and is entitled to be compensated for them.

B. LIQUIDATION OF ASSETS

The Applicant expended 6.5 hours in performing services under this category, but is billing only \$1,510.00. A copy of the entries for these services is included within Exhibit "B".

As noted above, with approval of this Court the Trustee sold to the Debtor the interest of the estate in the Debtor's residence. The Trustee directed the Applicant to prepare the pleadings to enable the Trustee to obtain this authority; the Applicant did so and this Court granted the motion and accordingly authorized the Trustee to complete that sale. The Trustee closed upon the sale and generated proceeds of slightly in excess of \$160,000.00 from the sale. Subsequently, counsel filed a motion to obtain an order directing the Trustee to remit partial payment on the exemption for the Debtors. The Applicant advised the Trustee on the rights of the estate relative to this motion and appeared before this Court to address the estate's position on the motion. Through its services, the Applicant enabled the Trustee to comply with his obligations under the Code and facilitated the Trustee's closing of this case and recovery of funds to generate payment in full on timely filed claims. The Applicant's services were necessary for both of the foregoing; thus, the Applicant provided necessary and beneficial services to the estate.

C. RECONCILIATION OF CLAIMS

The Applicant expended 1.30 hours in performing services under this category, at a value of \$455.00. The Applicant is entitled to be compensated for this time. A copy of the entries for these services is included within Exhibit "C".

The Debtors filed a motion to obtain a partial distribution on their homestead exemption to meet expenses that they had incurred. At the Trustee's request, the Applicant reviewed the motion and advised the Trustee accordingly. At the hearing on the motion, the Applicant also appeared before this Court to present the Trustee's position. These services were necessary to represent the Trustee and the Applicant is entitled to be compensated for them.

PREPARATION OF FEE APPLICATION

The Applicant expended 2.1 hours in performing services under this category, at a value of \$840.00. The Applicant is entitled to be compensated for this time. A copy of the entries for these services is included within Exhibit "D".

In preparing the Application, Mandell Menkes LLC complied with the standards which are set forth in the opinions in *In re Continental Illinois Securities Litigation*, 572 F.Supp. 931 (N.D. Ill. 1983), *In re Pettibone Corp.*, 74 B.R. 293 (Bankr. N.D. Ill. 1987) and *In re Wildman*, 72 B.R. 700 (Bankr. N.D. Ill. 1987), Local Rule 5082-1 and the guidelines of the Office of the United States Trustee. Mandell Menkes LLC is entitled to be compensated for preparing the Application, in accordance with *In re Alberto*, 121 B.R. 531 (Bankr. N.D. Ill. 1990); *In re NuCorp Energy, Inc.*, 764 F.2d 655 (9th Cir. 1985).

COSTS

In representing the Trustee, the Applicant also incurred certain costs for photocopying copies of pleadings that the Applicant filed for the Trustee and postage for forwarding copies of those pleadings to parties in interest. The Applicant is not seeking reimbursement of those costs.

**II
STATEMENT PURSUANT TO
11 U.S.C. §§ 329 AND 504
AND BANKRUPTCY RULE 22016**

Except to the extent that under section 504(b)(1) of the Code a professional may share compensation within that party's firm, the Applicant has not agreed to share with any person, firm or entity any award of fees which it may receive for having represented the Trustee in this case. Furthermore, there is no agreement between the Applicant and any other party for sharing compensation that any other person, firm or entity receives in connection with representing the Trustee in this case.

**III
REQUEST FOR RELIEF**

WHEREFORE, Bruce de'Medici, and Mandell Menkes LLC, as counsel for the Trustee, pray that this Court allow compensation and costs as requested herein, authorize the Trustee to remit payment thereon, and grant such further relief as is just.

Respectfully Submitted,
Bruce de'Medici
Mandell Menkes LLC

By /s/ Bruce de'Medici

Bruce de'Medici #6184818
Mandell Menkes LLC
333 West Wacker Drive
Suite 300
Chicago, Illinois 60606
312.251.1000

SUMMARY SHEET

In re) Case No. 05-4988
)
Robert J. Swiderski) Chapter 7
Mary Zickus)
Debtors) Hon. Jacqueline P. Cox
Hearing Date: 6-29-06
At 9:30 a.m.

NAME OF APPLICANT: Bruce de'Medici/Mandell Menkes LLC

ROLE IN THE CASE: Counsel for Horace Fox, Jr., as trustee

Mandell Menkes LLC

Amount of Fees Sought for Allowance \$3,680.00
Amount of Fees Sought for Payment \$3,680.00
Amount of Expense Reimbursement Sought: -0-

FEES PREVIOUSLY REQUESTED: -0-
FEES PREVIOUSLY AWARDED: -0-

EXPENSES PREVIOUSLY REQUESTED: -0-
EXPENSES PREVIOUSLY AWARDED: -0-

RETAINER PAID; -0-

FEE APPLICATION

NAMES OF PROFESSIONAL/ PARAPROFESSIONAL	YEAR ADMITTED TO PRACTICE	<u>HOURS BILLED</u> CURRENT APPLICATION	RATE	TOTAL BILLED
Bruce de'Medici	1980	7.5	\$350.00/\$400.00	\$2,730.00
Joshua Wallar	2002	3.8	\$250.00	\$950.00

Fee Breakdown
(Applicants' Requests Combined)

CATEGORY	FEES
Employment of Professionals	875.00
Liquidation of Assets	1,510.00
Reconciliation of Claims	455.00
Preparation of Fee Application	840.00
TOTAL	3,680.00

CATEGORY	HOURS
Employment of Professionals	3.1
Liquidation of Assets	6.5
Reconciliation of Claims	1.3
Preparation of Fee Application	2.1
TOTAL	13.0